

**State of California
California Regional Water Quality Control Board, Los Angeles Region**

**RESOLUTION NO. 02-XXX
February 28, 2002**

Amendment to the Water Quality Control Plan for the Los Angeles Region to Incorporate a Total Maximum Daily Load for Chloride for the Calleguas Creek Watershed

WHEREAS, the California Regional Water Quality Control Board, Los Angeles Region (Regional Board) finds that:

1. The Federal Clean Water Act (CWA) requires states to develop water quality standards which are sufficient to protect beneficial uses for each water body found within its region.
2. Section 303(d) of the CWA requires States to identify waterbodies which do not meet water quality standards despite effluent limitations in CWA discharge permits (so called impaired waterbodies), and to prioritize these waterbodies on the 303(d) list. Furthermore, Section 303(d) requires states to prepare total maximum daily loads (TMDLs) for impaired waterbodies.
3. The State Water Resources Control Board (SWRCB) issued a list of California's impaired waterbodies in 1998. Calleguas Creek appeared on the 303(d) list as being impaired for chloride, as well as other constituents.
4. A consent decree between the U.S. Environmental Protection Agency (USEPA), Heal the Bay, Inc. and BayKeeper, Inc. was approved on March 22, 1999. This court order directs the USEPA to complete TMDLs for all impaired waters within 13 years. The Calleguas Creek chloride TMDL was scheduled in the consent decree for completion by March 22, 2001.
5. The elements of a TMDL are described in 40 CFR 130.2 and 130.7 and section 303(d) of the CWA, as well as in USEPA guidance documents (Report No. EPA/440/4-91/001). A TMDL is defined as the sum of the individual waste load allocations for point sources and load allocations for nonpoint sources and natural background (40 CFR 130.2). Regulations further stipulate that TMDLs must be set at levels necessary to attain and maintain the applicable narrative and numeric water quality standards with seasonal variations and a margin of safety that takes into

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account any lack of knowledge concerning the relationship between effluent limitations and water quality (40 CFR 130.7(c)(1)). The regulations in 40 CFR 130.7 also state that TMDLs shall take into account critical conditions for stream flow, loading, and water quality parameters.

6. Upon establishment of TMDLs by the State or USEPA, the State is required to incorporate the TMDLs along with appropriate implementation measures into the State Water Quality Management Plan (40 CFR 130.6(c)(1), 130.7). The Water Quality Control Plan, Los Angeles Region (Basin Plan), and applicable statewide plans, serve as the State Water Quality Management Plans governing the watersheds under the jurisdiction of the Regional Board.
7. This TMDL covers Calleguas Creek and its tributaries, including Conejo Creek, Arroyo Las Posas, Arroyo Simi, and Tapo Canyon. A full description of all reaches is included in this TMDL.
8. Significant portions of Calleguas Creek and its tributaries were found to be impaired for chloride for the most sensitive beneficial uses, agricultural water supply and groundwater recharge. Waste Load Allocations and Load Allocations for chloride recommended in this document are based on the levels that will fully support the most sensitive beneficial uses in each reach.
9. On February 28, 2002, prior to the Board's action on this resolution, a public hearing was conducted on the Chloride Total Maximum Daily Load for the Calleguas Creek Watershed and Tributaries. Notice of the hearing for consideration of the Chloride Total Maximum Daily Load for the Calleguas Creek Watershed and Tributaries was published in accordance with the requirements of Water Code section 13244. This notice was published in the *(name of newspaper and dates of publication)*.
10. The public has had reasonable opportunity to participate in development of this TMDL. Staff consulted with the Calleguas Creek Watershed Management Plan, Water Resources/Water Quality Subcommittee (Water Quality Subcommittee) throughout the development of the proposed Basin Plan amendment. Staff made presentations to the Water Quality Subcommittee on April 9, 1999; July 21, 1999; September 24, 1999; March 3, 2000; July 12, 2000 and October 10, 2001. In addition, staff met with representatives of the POTWs on December 19, 2000 and with representatives of the Camrosa Water District and the Calleguas Municipal Water District on March 2, 2001. A public notification period of not less than 45 days preceded the Board hearing on February 28, 2002; responses from the Regional Board staff to written comments received during the public comment period were made available to the public prior to the February 28, 2002 public hearing.
11. In amending the Basin Plan, the Regional Board considered the factors set forth in sections 13240 and 13241 of the Water Code.
12. The amendment is consistent with the State Anti-degradation Policy (State Board Resolution No. 69-16), in that the changes to water quality objectives (i) consider

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maximum benefits to the people of the state, (ii) will not unreasonably affect present and anticipated beneficial use of waters, and (iii) will not result in water quality less than that prescribed in policies. Likewise, the amendment is consistent with the federal Anti-degradation Policy (40 CFR 131.12).

13. The basin planning process has been certified as functionally equivalent to the California Environmental Quality Act (CEQA) (Public Resources Code, section 21000 et seq.) requirements for preparing environmental documents and as such, the required environmental documentation, and CEQA environmental checklist, and accompanying staff report have been prepared in accordance with SWRCB regulations.
14. The proposed amendment results in no potential for adverse effect (de minimis finding), either individually or cumulatively, on wildlife.
15. The regulatory action meets the “Necessity” standard of the Administrative Procedure Act, Government Code, section 11353, subdivision (b), and.
16. Revision of the Basin Plan is subject to approval by the SWRCB, the State Office of Administrative Law(OAL), and the USEPA. The Basin Plan amendment will become effective for state law purposes upon approval by OAL and for federal CWA purposes upon approval by USEPA. A Notice of Decision will be filed.

THEREFORE, be it resolved that pursuant to sections 13240 and 13241 of the Water Code, the Regional Board hereby amends the Basin Plan as follows:

1. The Regional Board, after considering the entire record, including oral testimony at the hearing, hereby adopts the amendment to revise the Water Quality Control Plan for the Los Angeles Region as follows:

Amend Chapter 7 of the Water Quality Control Plan, Los Angeles Region to incorporate the elements of the Chloride Total Maximum Daily Load for the Calleguas Creek Watershed and Tributaries as described in Attachment A attached hereto and incorporated herein by reference.
2. The Executive Officer is directed to forward copies of the Basin Plan amendment to the SWRCB in accordance with section 13245 of the California Water Code.
3. The Regional Board requests that the SWRCB approve the Basin Plan amendment in accordance with the requirements of sections 13245 and 13246 of the California Water Code and forward it to OAL and the USEPA.
4. If during its approval process the SWRCB or OAL determines that minor, non-substantive corrections to the language of the amendment are needed for clarity or

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consistency, the Executive Officer may make such changes and shall inform the Regional Board members of any such changes.

5. The Executive Officer is authorized to sign the Certificate of Fee Exemption.

I, Dennis A. Dickerson, Executive Officer, do hereby certify that the foregoing is a full, true, and correct copy of a resolution adopted by the California Regional Water Quality Control Board, Los Angeles Region, on February 28, 2002.

Dennis A. Dickerson
Executive Officer

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